

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 4277 OF 2007**

Shri Tukaram Siddhu Khot Petitioners
since deceased through heirs
& LRs Smt. Sakhubai Tukaram
Khot & Ors.

Vs.

Laxman Appa Gavade Respondents
since deceased through heirs
& LRs Tanaji Laxman Gavade & Ors.

Mr. Vijay Mane for the Petitioners.

CORAM : A.S. OKA, J.
DATE : 9TH JULY, 2007

P.C.

1) Heard learned Advocate for the Petitioners.
By this Writ Petition under Article 227 of the
Constitution of India, the Petitioners have
challenged the orders passed by the authorities
under the Maharashtra Land Revenue Code, 1966 in
proceedings relating to the mutation entries. It
is well settled position of law that the
authorities under the said Code of 1966 cannot
decide the issue regarding the title to the
immovable property in the proceeding relating to
mutation entries. The orders passed by the said
authorities never bind a Civil Court while dealing
with a suit on title. In view of this legal
position, it is not necessary to entertain the Writ

Petition. Subject to what is observed above, the Writ Petition is rejected.

2) All contentions of the parties on the issue of title are expressly kept open.

(A.S. OKA, J.)